IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3188 OF 2003
IN
SUIT NO.2629 OF 2003

Suren Khirwadkar and Anr. ..Plaintiffs

Vs.

Polairs Software Lab Ltd.& Ors. ..Defendants

Mr.Mahesh Jethmalani i/b P.G.Sabnis for the plaintiffs

Mr.Arun Siwach i/b Amarchand Mangaldas and Suresh A.Shroff and Co. for the defendants

CORAM : S.U.KAMDAR, J
DATED : 1ST MARCH, 2006

P.C.:

. The learned counsel for the defendants in support of motion does not press for the hearing of the present motion. However, it is clarified that it will be open for the defendants to file written statement and raise the issue whether the suit is liable to be dismissed on the ground of misjoinder of the plaintiffs and / or misjoinder of the cause of action. If such a plea is raised in the written statement, defendants will be at liberty to apply for trial of the said issue as preliminary issue. Motion disposed of accordingly. No order as to costs. Written statement to be filed within a

period of 8 weeks from today.